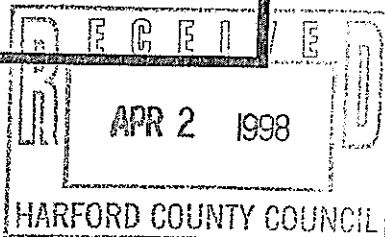


ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

Shaded Area For Office Use Only



Case No. 091

Date Filed 3-25-98

Hearing Date _____

Pre-Conf. _____

Receipt _____

Fee \$700.00

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name Peter and Cynthia Tutalo Phone Number _____

Address 2415 Whiteford Road Whiteford, Maryland 21160
Street Number Street State Zip Code

Property Owner See Above. Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street State Zip Code

Robert S. Lynch, Esq. & Lawrence F. Kreis, Jr., Esq.
Attorney/Representative Stark and Keenan, P.A. Phone Number (410) 838-5522/879-2222

Address _____
Street Number Street State Zip Code

Hearing: 8/10/98

Land Description

Address and Location of Property (with nearest intersecting road) 2415 Whiteford Road (Rt. 165)

Subdivision N/A Lot Number N/A Acreage/Lot Size 1.55 Election District 05
Existing Zoning GI Proposed Zoning VB Acreage to be Rezoned 1.55
Tax Map No. 5 Grid No. 4B Parcel 30 Deed Reference 2453/142
Critical Area Designation N/A Land Use Plan Designation Rural Village
Present Use and ALL improvements: Residence

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) N/A

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

NO If yes, describe: _____

Estimated Time Requested to Present Case: Three (3) Hours.

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

PETER TUTALO & CYNTHIA TUTALO
TAX MAP NO. 5, PARCEL 30

(b) (1) The Applicant maintains that there is a mistake as to the existing GI zoning. This property as shown on the 1996 Land Use Plan is designated "Rural Village". (See attachment (b) (1) Land Use Map & Key). The property has frontage on Md. State Route 136, which is rural minor arterial road. The current GI zoning is not consistent with the Master Plan and a rezoning to a VB classification will be consistent with the Master Plan designation of "Rural Village." There are extensive amounts of under utilized GI zoned land in this area of the County. The majority of the GI zoned land was first granted In 1957 in recognition of the industrial uses in the area. Many of these uses are no longer in operation. The subject site is only 1.55 acres and is much too small to support an industrial use. Harford County, as part of the Comprehensive Rezoning process, should have rezoned the subject parcel to VB in order to make it consistent with the Master Plan and the neighborhood.

(2) Since the last Comprehensive Rezoning in 1989, there have been changes in the neighborhood. Since 1989, there has been increased traffic on MD. Rt 136. Additionally Harford County has granted approval to the Whiteford Sewer subdistrict project. Other retail development has occurred in the neighborhood. In addition, Harford County constructed a new library complex adjacent to the applicants property.

(c) The proposed reclassification of the property to a VB use is consistent with the Village Designation on the "Master Land Use Map" (See attachment (b) (1)). The property is currently improved

with a single family home that has been totally restored to enhance the original architectural features. The house is occupied by the applicants who reside on-site and the home is their primary residence. Mr. & Mrs. Tutalo are also the owners of the Whiteford Packing Company and desire someday to see a portion of the historic home used to house a small quality restaurant. Such a use would be consistent with the goal of the Master Plan for "new growth and redevelopment in order to protect the viability of the agricultural area. This growth shall be compatible with, and of a quantity appropriate to, the existing village character. The complete restoration of the home has already enhanced the quality of the Rural Village.

(d)

(1) See attachment (d)(1).

(2) See attachment (d)(1). - The existing home, shed and proposed parking area is shown on the concept plan.

(3) Neighborhood: The neighborhood is defined as the area bordered by the Pennsylvania State line to the north, Rt. 165 Wheeler School Road to the Southwest and Ridge Road to the Southeast. (See attachment (d)(3)).

(4) See attachment (d)(4).

(5) There are no Capital Improvement projects identified in FY 1997 - 1998 CIP for this area.

(e) Rezoning in the neighborhood: None

(f) See attachment (d)(1)

(g) See attachment (d)(g)

(h) None

(i) None

(j) No Harford County water is available. Harford County sewer is available to the site pursuant to the Whiteford/Cardiff Petition Agreement.

Comprehensive Zoning Log

10/2/97

Issue #	Date	C P C	Tax ID #	Map #	Grid	Parcel #	Property owner	Property location	Acres of parcel	Acres to rezone	CZ	RZ	PAB	P-Z	C.C
D016	10-10-96	JN	04026101	23ZF	68		George Gimmel	Emrick Lane Jarrettsville	55.5	55.5	AG	RR	AG	AG	AG
D017	10-10-96	JN	04026128	243A	14		George Gimmel	Emrick Lane Jarrettsville	55.944	55.944	AG	RR	AG	AG	AG
D018	10-11-96	WCP	05041872	54B	11		Whiteford Pecking (Peter Tutolo)	Pylesville Rd SS Dooley Rd	33.37	33.37	GI	B3	LI	LI	GI
D019	10-11-96	WCP	05041880	44E	12		Whiteford Pecking (Peter Tutolo)	2709 Whiteford Rd N of Whiteford	169.92	18	AG	C1	AG	AG	AG
D020	10-11-96	WCP	05041902	54B	32		Whiteford Pecking (Peter Tutolo)	2419 Whiteford Rd ES Rt. 136	16.58	2	GI	B3	VB	VB	B2
D021	10-11-96	WCP	05018323	101F	16		Whiteford Pecking (Peter Tutolo)	SS of Rt 165	21.461	2.469	AG	B3	AG	AG	AG
D022	10-11-96	WCP	05018323	101F	16		Whiteford Pecking (Peter Tutolo)	NS Wheeler School Rd Pylesville	21.461	13.763	AG	B3	AG	AG	AG
D023	10-11-96	WCP	05007305	54B	30		Martin & Kay Cochran	2415 Whiteford Rd	1.55	1.55	GI	B3	VB	VB	VB
D024	10-11-96	WCP	05042240	53B	14, lot 4-5		Farrell Whiteford	1609 Dooley Rd	100 X 175	100 X 175	VR	B3	B3	B3	B3
D025	10-11-96	WCP	05033330	53B	15		Farrell Whiteford	1611 Dooley Rd	50 X 175	50 X 175	VR	B3	B3	B3	B3
D026	10-11-96	WCP	05034744	53B	21		Farrell Whiteford	1615 Dooley Rd	200 X 160	200 X 160	VR	B3	B3	B3	B3
D027	10-11-96	WCP	05039312	53B	143		John F. Engel	1613 Dooley Rd, Cardiff	2009	2009	VR	B3	B3	B3	B3
D028	10-11-96	WCP	05052610	102F	240 Lot 5		Richard & Ella Enfield	827 Wheeler School Rd	12.076	12.076	AG	B3	AG	AG	AG
D029	10-11-96	WCP	05047188	53B	276		Farrell Whiteford	Dooley Rd, Whiteford	14.576	14.576	GI	B3	B3	B3	B3
D030	10-11-96	WCP	05054532	53B	290		Farrell Whiteford	Pylesville Rd, NS Dooley Rd.	40	28.0	GI	C1	LI	LI	GI
D030-1	10-11-96	WCP	05054532	53B	290		Farrell Whiteford	Pylesville Rd, NS Dooley Rd	40	12.0	GI	B3	LI	LI	B2
D031	10-11-96	WCP	05003504	54B	86		Leonard E. McGready	1557 Main St., Whiteford	22.796	17.0	AG	VR	AG	AG	AG
D032	10-11-96	DD	05055407	204B	236, lot 4		Lance C. Miller	4551 Conowingo Rd.	23.32	3.25	AG	B3	AG	AG	B3
D033	10-11-96	JN	04051998	241D	9		John & Norma Panzer et. all	ES North Bend Rd E of Federal Hill	63.63	63.63	AG	RR	AG	AG	AG
D034	10-11-96	JN	04051971	242D	181		John & Norma Panzer et. all	1435 North Bend Rd, E. of Federal Hill	62.568	62.568	AG	RR	AG	AG	AG
D035	10-11-96	JN	04043995	233A	240, lot 1		David & Lee Hinderhofer	4360 Norrisville Rd - White Hall	1.12	1.5	AG	B3	B3	B3	B3
D036	10-11-96	JN	04069277	323A	410		Stephen & Margaret Trout	2104 Furnace Rd, SW of Jarrettsville	65.098	65.098	AG	RR	RR	RR	AG
D037	10-11-96	JN	04046153	322A	67		Arthur Wood	3730 Norrisville Rd.	75 X 300	75 X 300	VR	VB	VB	VR	VB
D038	10-11-96	JN	04056167	321B	159		Margaret Richardson	1724 W. Jarrettsville Rd	50	50	VR	VB	VR	VR	VR